

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:13-CR-67-FL

UNITED STATES OF AMERICA,)	
)	ORDER of DETENTION
v.)	
)	
JESUS VIGANAS-BECERRA)	

On 10 May 2013, U.S. Magistrate Judge Robert Jones authorized a Complaint and Arrest Warrant for JESUS VIGANAS-BECERRA (VIGANAS-BECERRA) based on an initial showing of a probable cause violation of Title 8 U.S.C. 1326(a) and ((b)(2)). (See DE 1). On 21 May 2013, a Probable Cause and Detention hearing were held in Wilmington, North Carolina. At that time, Magistrate Judge Jones determined that the Government had satisfactorily displayed probable cause but denied the Government's motion for detention. (See DE 11).

Prior to the detention hearing held before Magistrate Judge Jones, Immigrations and Customs Enforcement (ICE) had lodged an immigration detainer; therefore, despite VIGANAS-BECERRA having been released from criminal custody, he was transferred into the custody of ICE via the administration detainer. As a result of ICE's holding facility locations and availability, defendant VIGANAS-BECERRA was moved to York County, South Carolina pending deportation.

On 22 May 2013, the Government appealed Magistrate Judge Jones' ruling by filing a Motion under 18 U.S.C. §3154 requesting

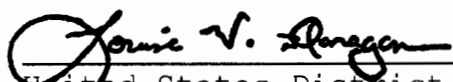
this Court to Stay and Revoke the Magistrate's Release Order. (See DE 15). The Stay was eventually granted and in the meantime, the Government obtained a two count indictment against VIGANAS-BECERRA alleging one count under Title 8 U.S.C. 1326(a) and ((b)(2) (Unlawful Rentry of an Aggravated Felon) and one count under Title 18 U.S.C. 922(g)(5)(A) (Unlawful Possession of a Firearm by an Alien). (See D.E. 24 and 25).

On 19 June 2013, this Court held an Initial Appearance in relation to the indictment as well as a hearing to resolve the Government's motion appealing Magistrate Judge Jones' release of VIGANAS-BECERRA. At the hearing, counsel for VIGANAS-BECERRA, Andrea Barnes, withdrew any objection to the Government's requested detention of VIGANAS-BECERRA.

Wherefore, after having received no objection from counsel for JESUS VIGANAS-BECERRA as to the Government's requested detention and after having reviewed all relevant matters, the Government's request for Detention is granted. Therefore, the Defendant, JESUS VIGANAS-BECERRA shall be committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. JESUS VIGANAS-BECERRA must be afforded a reasonable opportunity to consult privately with defense counsel. On order of the United States Court or on request of any attorney for the Government, the person in charge of the corrections facility must

deliver the defendant to the United States Marshal for a court appearance.

So ordered, this 21st day of June, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large, looping initial "L".

United States District Judge
LOUISE W. FLANAGAN